

Minutes

DAGSBORO TOWN COUNCIL

Virtual Meeting

Monday, November 16, 2020

I. CALL MEETING TO ORDER

Mayor Baull stated that this meeting is being conducted remotely consistent with Governor Carney's executive order due to the current State of Emergency in the State of Delaware given the outbreak of COVID-19. The Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location, further all members of public bodies are allowed and encouraged to participate remotely. This order also allows public bodies to meet entirely remotely as long as reasonable public access is afforded so that the public may follow along with the deliberations of the meeting. All the votes as well as discussions will be taken individually so that all the Council members will have the time to speak if they so choose also so we can properly document it. Mayor Baull stated that this meeting is being recorded and Town Administrator Brought is taking notes as well.

Meeting was called to order by Mayor Baull at 6:03 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Patrick Miller, Councilman William Chandler, Councilwoman Theresa Ulrich, Councilman Norwood Truitt, Town Administrator Cynthia Brought, Police Sergeant Nicholas Disciullo, Town Solicitor Greg Morris, Engineering Consultant Kyle Gulbranson, and P&Z Chairman Brad Connor.

II. PUBLIC COMMENT

No public comment was made.

III. APPROVAL OF MINUTES

September 21, 2020 Virtual Town Council

Councilwoman Ulrich made a motion to approve the minutes. Councilman Chandler seconded the motion. All were in favor.

IV. CONSENT AGENDA

A. Police Department Report

Sergeant Disciullo presented Chief Steven Flood's report in his absence.

B. Treasurer's Report

C. Administrative Report

D. Economic Development Committee

Councilman Chandler made a motion to dissolve the Economic Development Committee as it has served its purpose and has no further purpose to his knowledge and therefore it unnecessary to have it on the Consent Agenda every month. Vice-Mayor Miller seconded the motion. All were in favor.

- E. Building Official Report
- F. Code Enforcement Report
- G. Meeting Reports
- H. Water Department Report

Councilwoman Ulrich asked if the water meters were still an issue. Town Administrator Brought stated that yes, some meters still need to be replaced. We still do not have the commercial meters.

Councilman Truitt asked if the ones that had been reading zero have been addressed. Town Administrator Brought stated that not as of yet. We have contacted Exeter and they have to look into it further as it has never happened before.

- I. Prince George's Chapel Cemetery Report
- J. Correspondence

Councilman Truitt made a motion to approve the consent Agenda. Councilwoman Ulrich seconded the motion. All were in favor.

V. OLD BUSINESS

B. Artesian Charge for Water – Building on Waples Street (Lease of Land – Water Tower)

Rob Penman stated that Artesian purchased the old fire department on Waples Street and the Town had an agreement with the Fire Department in regard to the leased property that the water tower is on. The fire department didn't pay for water in lieu of the lease of the property for the water tower. Artesian expected that the Agreement would continue and are inquiring the Town's thoughts in regard to paying for water used.

Town Solicitor Morris stated that after reviewing the agreement, it stated that the fire department was entitled to receive free water for performing fire services only and since Artesian will not be performing the same services for fire sources, or putting out fires or anything of that nature, we felt the ability to receive free water does not apply to Artesian.

Councilman Chandler stated that he is in Agreement with Town Solicitor Morris after he read the Agreement as well. The agreement with the fire department in regard to water was that the Town provided water at no charge but only for firefighting purposes. Obviously the fire department used water for other reasons, but that was not the basis of the Agreement for receiving free water. For example, if they filled swimming pools in town, they would have to pay for water. It is only for firefighting purposes that you will receive water for free.

Mr. Penman asked if the fire department was being charged the service fee of \$70 a month and stated that Artesian does not use any water on the property as it is an unoccupied facility. Artesian felt that the \$70 a month was adequate to offset the lease of the property for the water tower.

Town Administrator Brought stated that the fee is simply infrastructure and administration fees that every customer pays and the water usage is on top of that fee. Town Clerk Stacy West confirmed that the base rate for a commercial meter is \$70 and residential is \$35.

Mayor Baull stated to Mr. Penman that he is President of the Friends of Prince Georges Chapel and even though the chapel sits vacant for months at a time they still pay the \$35 fee each month. Town Administrator Brought stated that the Town Council can decide if they would like to lower the fee. Mr. Penman asked what the lease value on the property is for the Town to have the water tower on Artesian's property. Town Solicitor Morris stated that the Town can consider if they would like to reduce or eliminate the fee. Mr. Morris stated that the initial question posed to him was whether Artesian was entitled to free water and based upon his review of the Agreement they were not, unless the water was being used for firefighting purposes. Town Solicitor Morris stated that whether or not the Town wants to reduce or eliminate the fee is a policy decision at each councilmember's consideration. Mr. Penman stated that obviously Artesian will not be using water for firefighting purposes. Mayor Baull asked if there is a possibility of switching out the meter from commercial to a residential meter. Town Administrator Brought stated that would be a question for engineering. Engineering Consultant Gulbranson stated that it would not be a problem to switch out the meter. Mayor Baull stated that even though the building is commercial they will not be using water on a commercial basis. Town Engineer Gulbranson stated that he would just need to check the plan to see what size the water line is that goes in there. Mayor Baull asked Rob and John if that was feasible and would that be acceptable with Artesian. John Thader stated that he would like for the Town Council to consider anything, but yes, going from commercial to residential would make them happy. Mayor Baull stated that the Town will look into that and put it on the agenda for next month.

A. Artesian – Rob Penman & John Thader

Interconnection between Dagsboro and Frankford Discussion/Vote

Mr. Penman stated that Artesian is asking the Town to approve moving forward with the interconnection between Dagsboro and Frankford that was discussed previously. Mr. Penman stated that he knows meetings were attempted with Millsboro and unfortunately that was unsuccessful. Artesian feels that this is still the best way to go and would like the Town to give permission to move forward.

Councilman Chandler inquired as to when this interconnection would occur between Dagsboro and Frankford. Mr. Penman stated that it would be late April to May. Councilman Chandler asked if when Artesian does the interconnect would it mean that the water from Frankford is then going to intermingle in the pipes with Dagsboro and will water be coming from Frankford or would it be something that is only an interconnect and not actually flowing back and forth. Mr. Penman stated that it will be an interconnection but the town would not be getting any Frankford water into Dagsboro. It is simply to transmit water from the Dagsboro plant into Frankford. Councilman Chandler asked when it would be functional as far as the actual flow of water from Dagsboro to Frankford through the interconnection. Mr. Penman stated that Artesian is projecting sometime in May to early summer. Councilman Chandler asked if that water would not only be available through the interconnection to Frankford, but also to

Dagsboro. Mr. Penman stated that absolutely the water would be flowing through Dagsboro lines into Frankford. It will help keep the water fresh in town by moving water that way. Councilman Chandler then asked if we the citizens and residents of Dagsboro would be purchasing water from Artesian. Mr. Penman stated that hopefully that is the plan. Councilman Chandler asked if at some point there is going to be a discussion about what Dagsboro is charged for that water, for example, among other things. Mr. Thaeder stated that the water that goes through Dagsboro's system would flow through one meter and out another meter, therefore, you would not be charged for the water that ends up in Frankford. Mr. Penman stated that the water going into Dagsboro, Dagsboro would be charged for and the water leaving Dagsboro going into Frankford, Artesian would be charged for and Artesian will be paying Dagsboro for that water. Engineering Consultant Gulbranson stated that it would be a meter situation like the one Dagsboro currently has with Millsboro, as it will measure flow in both directions. Councilman Chandler stated that he understands all of that, but questioned the time period necessary before all of this happens. We need to sit down and negotiate the terms and conditions as we are now being asked to approve something in the abstract, which will become real next April or May of 2021, but the terms and conditions of the relationship, I am not aware of those. Councilman Chandler inquired as to when this would be happening. Mr. Thaeder stated that the Town contemplated these kinds of interconnections, both you moving water through our system or us moving water through in the Agreement, and this would basically be putting in a functional interconnection and would operate under the Agreement.

Councilwoman Ulrich asked Town Solicitor Morris if the Council is allowed to approve this interconnection without discussing it with Millsboro. Town Administrator Brought stated that she doesn't believe there is anything in the Agreement, but Town Solicitor Morris and Councilman Chandler both read through it. Councilwoman Ulrich asked for clarification regarding water not flowing back from Frankford. Millsboro's interconnection goes both ways and the interconnection with Frankford is not going both ways. Mr. Thaeder stated that in this particular case they would be moving water from the plant in Dagsboro, allowing water to move in the tank, but they would not let water flow back into Dagsboro from Frankford. Mr. Thaeder stated that the Agreement the Town has with Millsboro does not say that you cannot take water from another provider. Engineering Consultant Gulbranson asked Mr. Thaeder when the Dagsboro plant would be fully operational and if they were discontinuing water production in Frankford. Mr. Thaeder stated that the Frankford plant will be used for emergencies only and typical back up would come from other plants like Bayville or South Bethany.

Councilman Chandler asked if the water from the Artesian plant is going to use our pipes as a transmission facility to Frankford and would that mean that some of that water produced by Artesian could wind up in our tank behind the old firehouse. If so, could it also then find its way back to Millsboro? Mr. Thaeder stated that Artesian is assuming that Dagsboro will take some water from Millsboro and there is no way to know exactly if a drop of water could end up going back to Millsboro. Most of the water that would be coming in would probably serve the tank and the southern part of town. Mr. Penman stated that Artesian fully expects some water from Artesian's new plant to enter into the Town's water tower and most of the water will be going South of town toward Frankford. They doubt very highly that any water would go North toward Millsboro. However, the way the Millsboro

interconnection is setup for water to flow both ways, there is no way to 100% predict that Millsboro would not get any water from the Dagsboro plant. Mayor Baull asked for Artesian to draw up an Agreement that can be reviewed and be presented at the December meeting to possibly vote on.

VI. NEW BUSINESS

- a. Town Solicitor, Mayor and Town Council to address the Poppiti Law Letter of objection regarding Town Council's Approval of a Preliminary Site Plan:

- (1) Discussion with Poppiti Law Regarding letter of October 27, 2020 – Proposed Liquor Stores -29471 Vines Creek Rd – Greg Morris, Ciro Poppiti, III, and Nirav Desai

Town Solicitor Morris stated that this item was placed on the agenda as a result of a letter that the Town received from Mr. Poppiti on behalf of his client, Nirav Desai, in which they asked for reconsideration of the Preliminary Site Plan approved by Town Council on September 21, 2020. As a result of receiving this letter, the Town Council wanted to add this to the agenda. Counsel for the property owner, Mr. Lingenfelder was also on the call on behalf of Snead Property Management. The intent for the evening was to allow Mr. Poppiti to discuss/present to Town Council the argument of why the Preliminary Site Plan should not have been approved. After Mr. Poppiti's comments, Mr. Lingenfelder will have the opportunity to respond to Mr. Poppiti's arguments raised and was able to discuss the issues raised in his letter dated October 27, 2020. Mr. Lingenfelder also provided a letter to the Town, dated November 10, 2020, presenting arguments as to why the approval was appropriate.

Mr. Ciro Poppiti stated that after hearing his remarks, there would be a straight forward solution to their concerns. He stated that his law practice focuses on alcohol regulation. He handles liquor licensing, litigation, and lectures and writes frequently on alcohol regulations including a course at Wilmington University.

Mr. Poppiti stated that his goal tonight was to address two main points. First, at law, alcohol and beverages are entirely different. Second, because alcohol and beverages are very different, the law is historically crystal clear when and where alcohol is permitted. Alcohol is especially a regulated substance. Alcohol, in fact, has two amendments to the U. S. Constitution and has its own section Title 4 in the Delaware Code. Nonalcoholic beverages, like Pepsi or Mountain Dew, do not have such legislative history. Interstate Commerce of Alcohol is aggressively regulated by four Federal Agencies, called the TTB, ATF, as well as the FDA (Food and Drug Administration), and the US Department of Agriculture. An example of this aggressive regulation, before a manufacturer can sell spirits like Vodka or Gin, they have to submit its recipe to the Federal Government for approval. Delaware aggressively regulates alcohol as well through three State Agencies, the Alcohol Beverage Control Commissioner, Alcohol and Tobacco Enforcement, and the Alcohol Appeals Commission. In contrast, a beverage again like Pepsi is not aggressively regulated at the Federal level. The State of Delaware does not aggressively regulate nonalcoholic beverages either. Alcohol and beverages are not the same thing.

Mr. Poppiti stated that the law is historically crystal clear when and where alcohol is permitted. The Dagsboro Zoning Code is very specific to the permitted uses of alcohol. Dagsboro's Highway Commercial District permits "Retail Liquor Stores (walk in only)". Restaurants in the Highway Commercial District may also serve "alcoholic beverages". Dagsboro's Commercial District permits restaurants to serve "alcoholic beverages". The Town Center District permits restaurants to serve "alcoholic beverages". The Town Center District permits retail stores to sell "food, drug, beverages, grocery, fruit, or vegetables". Food, drug, beverages, grocery, fruit, or vegetables are not alcohol. If the Town meant alcohol the word alcohol would be there. If the Town meant liquor store, the words would be there as well, as they are in the Highway Commercial District. Under the Dagsboro Zoning Code "all uses not expressly permitted are prohibited". Liquor stores are not expressly permitted in the Town Center District and thereby liquor stores are prohibited. Members of Council were addressed and advised that there is an obvious solution, if it is the Town's will, to have a liquor store in the Town Center District you would then need to change the Code. The words liquor store must be added to the permitted retail uses in the Town Center District. If the Council wants a liquor store in the Town Center District then we respectfully state, "Change the Code". It is a misstep to say that a liquor store is permitted when the Body of Alcohol Law and Dagsboro's own Zoning Code clearly indicate otherwise.

In terms of reconsideration, we call on the Town to follow its own law. Should the proposed liquor store be allowed to proceed without changing the Zoning Code? Mr. Poppiti stated that his client, Mr. Nirav Desai, would be eminently harmed, as he is currently the only liquor store owner in Dagsboro. Mr. Poppiti stated that after reviewing his file, it indicates that since at least Monday, November 13, 2017, nearly three years to the date, Mr. Desai has been discussing getting out from under his current lease and moving his liquor store elsewhere in Dagsboro. Mr. Poppiti stated that unfortunately for Mr. Desai, a competitor is now being permitted to set up shop despite the Zoning Code dictating otherwise.

Mayor Baull stated that the Town did have a Planning & Zoning meeting and a Town Council meeting and discussed the liquor store in two open forums and questioned why Mr. Desai did not express his objections to the liquor store at either one of those two meetings. Mr. Desai stated that he was unaware of the prior two meetings and it was not until it was approved that he saw it in the paper.

- (2) Discussion with the Smith Firm & Snead Property Management regarding the letter from Poppiti Law dated October 27, 2020 – Proposed Liquor Store 29471 Vines Creek
Greg Morris, Chad Lingenfelder, Clayton Snead (Snead Property Management)

Mr. Chad Lingenfelder stated that he is the attorney on record for Clayton Snead Sr. as well as Snead Property Management, the individual who applied for and was granted use with a Preliminary Site Plan Approval for 29471 Vines Creek Rd also known as Tax Map ID 2-33-11.00-131.05. Mr. Lingenfelder stated that it is up to Mr. Poppiti's client to make the argument one that he should be given a forum today to have this reexamined and as the Mayor stated, there were two public meetings. Mr. Lingenfelder does not believe that Mr. Poppiti is challenging the notice requirements as required by the Delaware Code as well as what is required within the Charter of the Town of Dagsboro and its Ordinances. Mr. Lingenfelder stated that there were some things that were mentioned outside of Mr. Poppiti's letter that he did not have the ability to address in his letter. Mr. Poppiti went into a dictation

on the Supreme Court, the Constitution, Delaware Code, and different agencies both Federal and State. However, by granting this use, which the Town Council as well as Planning & Zoning made their recommendation, there is nothing relating to either of those requirements by Alcohol, Tobacco and Firearms, by the government agencies that would require inspections, approvals, licensing and things of that nature. Use is not waiving any of those requirements and yes alcohol is a regulated substance, it is a regulated beverage, and it is a regulated liquid. But going back to Mr. Poppiti's Webster dictionary definition it is a liquid for consumption and again using the standard usage in common law reference to those languages if they are not specifically defined. By stating one zone has to be equal to other zones is not what Planning & Zoning intended when they did this momentous endeavor to create town zones within the Town of Dagsboro. By saying that one zone has this specific requirement and all zones have to, that is not true, that is neither a requirement of the Town of Dagsboro nor a requirement of any municipality. Separate zones equal separate intents. Mr. Lingenfelder believed, specifically looking back at the Planning & Zoning, that the time and attention that they took to go through these zones shows that they did have the fore sight and the ability to say certain zones will have specifics and certain zones will not to help capitalism and entrepreneurship come into the Town of Dagsboro. The Town of Dagsboro has seen this especially in the last ten years. Mr. Lingenfelder stated that Mr. Poppiti's letter also stated that the TC zone does not allow alcohol to be sold and that again is incorrect. Subsection 21-A12 allows the sale of alcoholic beverages to be sold by restaurants. Therefore to say that alcohol cannot be served within the TC zone is not correct.

Mr. Lingenfelder stated that what sums this up is that Mr. Poppiti's client is a competitor. There was nothing stopping Mr. Desai from applying three years ago to request to have an alcohol beverage sales location within a different property within the Town Center. However now understanding that there may be competition, which is healthy in our capitalist's society and healthy for the vitalization of our community, there is a problem. By saying that the Town should not allow this because they don't believe "beverage" means alcoholic beverages, it doesn't mean beer, wines or spirits and therefore I want this process to stop. Mr. Lingenfelder stated that he felt this is an attempt to bar competition.

Councilman Truitt stated that he felt the Code was not perfectly clear in what was prohibited and not prohibited; therefore he would state that it is not prohibited in the Town Center zoning.

Councilman Chandler asked both counsel if they have explored any legislative history of the enactment of the Town Center provision. Ordinarily if there is an ambiguity in the language or terms of a legislative enactment courts will look to the legislative history to define the intention of the drafter or framers of that legislative act.

Mr. Lingenfelder stated that he did make a request for meeting minutes dated back to 2006 related to Planning & Zoning discussions regarding this and public comment that was done, but to his understanding the documents were not readily available. There was an extensive process that was done according to town citizens, his client, and the Town Engineer. Mr. Poppiti stated that he has not yet looked though it but his intention is to look at the legislative history. Mr. Poppiti stated that at one point in the Code, for that particular district, it says restaurants can serve alcoholic beverages, but then

it is silent on retail and does not include the word alcohol or liquor stores, and he felt that alone speaks volumes as to the intent.

Councilman Chandler stated that by his question, his intention was not to imply or suggest that he has a view that he is giving now about whether this language is indeed ambiguous. The mere fact that two different lawyers can argue about the meaning of the same word does not mean that there is ambiguity, but he wanted to explore the question of whether the legislative history had been considered.

Councilman Chandler stated that all members of the Council, back when this was adopted are still here and in existence, however he was not on the Council at that time so he cannot speak to it. Councilman Chandler wanted the record clear that he is not suggesting that he has determined, found or concluded that the language is in fact ambiguous.

Mayor Baull asked P&Z Chairman Connor if he was Mayor or at least on Council back in 2006. Chairman Connor stated that he was. Chairman Connor stated that when the different zones were looked at in that area on Vines Creek Road, they wanted to make sure it was setup differently. It was planned to leave it open to doctor's offices and businesses. To his recollection a beverage store or convenience store would have been a use. Chairman Connor stated that he did not think anyone thought that there would be a need to get into such a defined definition of what a beverage is.

Vice-Mayor Miller stated that he agreed with Councilman Truitt, in that it could be interpreted either way. He also felt at a loss as to why we are where we are with it right now since P&Z approved it and then Town Council approved it.

Councilwoman Ulrich stated that she is in agreement with Vice-Mayor Miller, as one person doesn't want the other person to come into town. Councilwoman Ulrich stated that yes it is vague, she felt drug could be listed as anything as well and alcohol could be considered a drug. Councilwoman Ulrich questioned pushing it to this point after it has been approved because they do not want competition.

Engineering Consultant Gulbranson stated that when the Town decided they needed a new zoning category for the downtown area to promote mixed uses, with residential and commercial, the planning commission worked for at least a year in coming up with these regulations. Beverages are not defined in the Dagsboro Code, but we have to look at what the intent was at the time. The planning commission wanted a mix of retail uses within the Town Center District; the uses were discussed at length. If you recall the Whistle Stop, the requirements were discussed at length for sales of alcohol, specifically for that location the outside sales. When permitted uses were discussed, in talking about beverages, the reason beverages are listed separately, and not just a retail use, was because the planning commission at the time discussed sales of wine and beer in the Town Center District. We don't have a definition in the Code, but that was the intent and it was discussed at length during the Planning Commission meetings. This was drafted into the draft ordinance that was adopted by Town Council.

Town Solicitor Morris stated that at this point the Town Council can table it until it can be discussed with legal counsel at a later date.

b. Employee Christmas Bonus

Town Administrator Brought stated that last year a bonus was given to everyone including part time and full time. There are nine employees this year and \$150 dollars was given last year. She asked if Council wished to do the same again this year or would you like to change the amount. Councilman Chandler stated that he felt they should get \$250 per employee and the reason was simple, it has been a difficult year, we have asked people to do a lot in difficult circumstances, we have asked people to do a lot without a full staff. The police department has been under staffed, we have had the office staff under staffed and they have had to cover each other's job duties. Councilman Chandler stated that he felt everyone has done an exemplary job during these very difficult and trying circumstances and he felt that they deserve some recognition for that effort.

Councilman Truitt made a motion to increase the Christmas bonus to \$250 dollars per employee and to be paid the first or second week in December. Councilman Chandler seconded the motion.

c. December Municipal Election – Election Canceled December 5, 2020

Mayor Baull stated that the election was canceled as there were only two incumbent candidates, Norwood Truitt and Bill Chandler. Mayor Baull asked Town Solicitor Morris if the swear in could take place at the December meeting virtually, he stated "yes".

d. Discuss Christmas Activities – Mayor and Council – Tree Lighting and Parade

Mayor Baull stated that Town Administrator Brought and he have been discussing the tree lighting, Santa in the park, and the parade and they do not see a way to do any of these events. They both felt the restrictions are going to be rolling back as other states around us have been doing that. Governor Carney has been giving off every indication that Delaware is heading in that direction. Mayor Baull stated that he also does not want to approach businesses for donations or sponsorships when they have been struggling due to COVID-19.

e. Confirm/Discuss December Town Council Meeting – Scheduled December 21, 2020

Town Administrator Brought inquired if Council wanted to move the Town Council meeting to the 14th of December as the 21st is so close to Christmas. All Council members would be available on December 14th, except Theresa as she will be in Florida. Town Solicitor Morris is also available.

f. Re-appoint Board of Adjustment Member Diane Carey November 2020 thru November 2023.

Town Administrator Brought advised that Diane Carey's appointment needed to be renewed and that Diane Carey agreed to the three (3) year appointment renewal. Councilman Truitt made a motion to re-appoint Diane Carey to the Board of Adjustments for November 2020 through November 2023. Councilwoman Ulrich seconded the motion. All were in favor.

VII. OLD BUSINESS

C. Chlorine Injection System Installation at Pump House – Vote Installation/Non Installation

After a brief discussion Council voted and made a motion in regard to the installation of a Chlorine Injection System in Dagsboro's pump house to handle low Chlorine levels in Town. Councilman Truitt made a motion for non-installation of the Chlorine Injection System at the pump house. Vice-Mayor Miller seconded the motion. Councilman Chandler clarified that he was voting for non-installation because of the interconnection with Artesian being on the horizon. All were in favor.

D. Update and Discussion Police/Town Hall Expansion

Town Administrator Brought asked Engineering Consultant Gulbranson in regard to a two story building, if the upstairs was just evidence and storage does the building need to be handicap accessible with ADA requirements. Mr. Gulbranson stated that if the upstairs is used for non-public uses it does not have to be ADA accessible. Mr. Gulbranson stated that what is nice about the option with the 450 square foot meeting room and the proposed police station being a two story building with a breezeway, the meeting room is a separate facility with its own entrance, it is not interconnected with the police department. Mayor Baull asked Mr. Gulbranson if employees count as public in reference to non-public uses. Town Administrator Brought stated that the police would be the only ones with access to that area. Mr. Gulbranson stated that we could do an inquiry to the Accessibility Board for the state and get their opinion on it.

Councilman Truitt asked what the dimensions were as far as length and width in terms of the 450 square feet and how many people would that accommodate. Engineering Consultant Gulbranson stated that the 450 square feet was based on an audience of twenty people plus the Council. Councilman Truitt stated that his concern was that if a major issue arose how that would accommodate the larger crowd. Mr. Gulbranson stated that he based the twenty on his knowledge of average attendance at the Town meetings. He stated that if we had a larger situation where we felt there would be a greater audience we could schedule that elsewhere. Mr. Gulbranson stated that he felt you don't want to build to accommodate a large group when you typically don't have that in attendance.

Councilman Chandler stated that he leans toward the plans that sit in the back that are the single story proposed police station. He stated his reason being, although the breezeway connection to the old town hall has attractiveness to it, he felt that connecting that to Town Hall is going to be difficult and expensive. In addition, the plan that has the single story police station, even though the meeting place would be part of the police station, he felt it could be separate from it and not connected. Another reason would be it gives an extra parking space. Councilman Chandler also felt that a two story police station to store evidence seemed like a waste of space to him. Sergeant Disciullo stated that with the two story building what should be considered is upstairs would be for evidence and storage, which currently there is no space for. Sergeant Disciullo stated there are also some evidence regulations that need to be followed for example separating it from the prisoner area and a two story building would be

more efficient. He also felt that admin offices could be upstairs as well, which would keep the processing and prisoner area separate from the offices. Sergeant Disciullo stated another benefit of the two story building would be that it adds four parking spaces. He stated that when they are processing prisoners they are getting evidence from their vehicles and at least they would not be directly in front of Town Hall, which has been a concern of his in the past. Engineering Consultant Gulbranson asked Sergeant Disciullo if that would be considered the Salle port. Sergeant Disciullo stated that a Salle port is more of an enclosed structure; he felt the four parking spaces would be exclusive to the police department and gives more privacy when they do have prisoners. Councilman Chandler asked Engineering Consultant Gulbranson if there were admin offices on the second floor does that then require an elevator. Mr. Gulbranson stated it probably would.

Vice-Mayor Miller stated he liked the two story building with the breezeway. Engineering Consultant Gulbranson stated that we would need to look into the handicap accessibility. He stated that he recalls an issue with Artesian's building and they stated that they do not hire any handicapped people Mr. Gulbranson stated that they do not know if this would be the case in the future, which could turn into a legal issue later on.

Councilwoman Ulrich stated that she also liked the plan with the breezeway, she has concern about the garage storage. Town Administrator Brought stated that the shed would be moved to the pump house area if possible. Councilwoman Ulrich inquired where the police will be working during construction. Town Administrator Brought stated that Chief Flood has stated that they would work out of Selbyville or another station. Councilwoman Ulrich asked what the elevation is of the two story building. Engineering Consultant Gulbranson stated he believed it is 26 feet. Councilwoman Ulrich asked if that was a peaked or flat roof. Mr. Gulbranson stated it was a peaked roof. The meeting room would be a flat roof. Councilwoman Ulrich stated that she liked the plan with extra parking for the police department.

Mayor Baull stated that he as well liked the plan with extra parking for the police department as well as a meeting room for Town meetings. Mayor Baull asked Engineering Consultant Gulbranson to research the ADA requirements to see if the two story building is feasible or maybe we would need to look at one of the other designs. Mr. Gulbranson felt that was a good way to go in case that option needed to be eliminated. Mr. Gulbranson stated that he did look at USDA programs and they will fund facilities for municipalities in terms of grants and low interest loans. Town Administrator Brought stated that she and P&Z Chairman Brad Connor are working with the State and County to see what funds are available as well.

E. Update Matt's Paving –Painting of curbs (Cindi)

Town Administrator Brought stated that Matt's Paving is scheduled to be here on November 18th, weather permitting for the curbs to be painted.

Mayor Baull stated that on Thursday, November 19th at 3:30, there would be a presentation for Morse Roofing for their donation of the roof replacement on the Town Hall. The Council is presenting them with a crystal award as an appreciation.

VIII. PUBLIC COMMENT

No public comment was made.

IX. ADJOURNMENT

Councilwoman Ulrich made a motion to adjourn. Vice-Mayor Miller seconded the motion. All were in favor.

Meeting adjourned at 7:28 p.m.

Respectfully Submitted,

Stacy West, Town Clerk